

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 2, 2007

D049448 TSI Seismic Tenant Space, Inc. v. Superior Court of San Diego County/Geocon Incorporated et al.

D049460 Swanson & Associates v. Superior Court of San Diego County/Geocon Incorporated et al.

The petition for writ of mandate, *Swanson & Associates v. Superior Court/Geocon Incorporated*, D049460, is consolidated with the petition for writ of mandate, *TSI Seismic Tenant Space, Inc. v. Superior Court/Geocon Incorporated*, D049448, for purposes of disposition.

D049448 TSI Seismic Tenant Space, Inc. v. Superior Court of San Diego County/Geocon Incorporated et al.

D049460 Swanson & Associates v. Superior Court of San Diego County/Geocon Incorporated et al.

Let a peremptory writ of mandate issue directing the superior court to vacate its September 1, 2006 order finding the settlement agreement between Sunbow and Geocon to be in good faith. Petitioners shall recover their costs on appeal. The stay issued by this court on November 8, 2006, is vacated. CERTIFIED FOR PUBLICATION. Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.

D048396 People v. Bojorquez

Probation condition 10(f) is modified to state: "Not associate with any persons known by defendant to have firearms or weapons in their possession." Probation condition 10(j) is modified to state: "Not wear, display, use, or possess any insignias, emblems, badges, buttons, caps, hats, jackets, shoes, flags, scarves, bandanas, shirts or other articles of clothing that defendant knows to be evidence of affiliation with or membership in the Otay gang." Probation condition 10(k) is modified to state: "Not knowingly display any gang signs or gestures." As modified, the judgment is affirmed. Aaron, J., We Concur: Huffman, Acting P.J., McDonald, J.

D050590 Chodzko v. Superior Court of San Diego County/ Mazzarella, Dunwoody & Caldarelli et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 3, 2007

D047936 In re Edward Prescott on Habeas Corpus

The judgment is vacated and the matter is remanded to the trial court. In the interest of justice, the matter shall be reassigned to a different judge. The trial court is directed to strike from the record the document entitled "Report of Attorney" filed on August 4, 2004.

Prescott may file a new motion to withdraw his guilty plea. Any new motion shall be filed within 60 days of the issuance of the remittitur. If Prescott requests additional time to file a motion to withdraw his plea, the court may grant the request for good cause, at its discretion.

If Prescott wishes to be represented by an attorney to assist him in assessing his options and making a decision as to whether to file a new motion to withdraw his guilty plea and/or in preparing a new motion to withdraw his guilty plea, the trial court shall appoint new counsel to represent Prescott.

If Prescott indicates that he does not wish to file a motion to withdraw his guilty plea, or does not file a motion to withdraw his guilty plea or seek additional time to file a motion to withdraw his guilty plea within 60 days of the issuance of the remittitur, the trial court shall reinstate the original judgment.

This opinion is final as to this court five days after it is filed. (See Cal. Rules of Court, rule 8.264(b)(3).) CERTIFIED FOR PUBLICATION. Aaron, J. We Concur: McConnell, P.J., Nares, J.

D049065 People v. Castaneda

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

D049876 Angela R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

Let a writ issue directing the juvenile court to (1) vacate its findings and orders terminating reunification services for Angela and setting section 366.26 permanency planning hearings for Aaron and Moises, and (2) issue a new order directing Agency to return Aaron and Moises to the custody of Angela under a plan of family maintenance services. The stay issued on March 12, 2007 is vacated. This opinion is final immediately as to this court. (Rule 8.264(b)(3).) Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D047328 People v. Huhn

The judgment is reversed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D049278 Bradburn v. Busch

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D049968 Jennifer T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, Acting, P.J.; We Concur: McIntyre, J., Aaron, J.

D049521 People v. Gomez

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 3, 2007 (Continued)

D049976 In re Xayasomloth on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 4, 2007

D048190 Trepeck v. Trepeck

The request for publication of the opinion is denied.

D048591 In re Conservatorship of Amanda B.

The opinion filed March 13, 2007 is ordered certified for publication.

D049591 People v. Lopez

The petition for rehearing is denied.

D050501 Woodall v. Superior Court of San Diego County/People

The petition is denied.

D048629 In re Marco R., a Minor

It is ordered that the opinion herein filed March 13, 2007 be modified as follows: On page 12, the sentence beginning on line 5 and ending on line 6, which reads, "He expressed his love for Marco and wanted to speak with him" is deleted and the following sentence is inserted in its place: "He expressed his love for Marco and wanted to communicate that to him." There is no change in the judgment. The petition for rehearing is denied.

D049744 In re Ariel W., a Juvenile

The order is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D048066 Ulloa et al. v. McMillin Real Estate and Mortgage Inc., et al.

The opinion filed March 7, 2007, is ordered certified for publication.

D049581 People v. O'Connor

The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., McIntyre, J.

D049352 People v. McGonagle

The judgment is affirmed. McConnell, P.J.; We Concur: Nares, J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 5, 2007

D049979 William K. v Superior Court of San Diego County/ San Diego County Health and Human Services Agency

The petition is denied. Nares, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D047897 Brunner v. Daimlerchrysler Corporation

The judgment and the order are affirmed. Brunner is entitled to costs on appeal. McConnell, P.J.; We Concur: Haller, J., Irion, J.

D049174 In re Moore on Habeas Corpus

The request for reconsideration is denied.

D048804 People v. Sanner

The petition for rehearing is denied.

D049541 In re Robert S. et al., Juveniles

Upon filing a written abandonment of appeal, the appeal of Angela W. is dismissed and the remittitur is ordered to issue immediately.

D050605 Woodall v. Superior Court of San Diego County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2007

D048919 Kolender as Sheriff v. San Diego County Civil Service Commission/Gant
The opinion filed March 27, 2007 is ordered certified for publication.

D050010 In re Madueno on Habeas Corpus
The petition is denied.

D048855 People v. Castaneda
The judgment is modified by striking the \$600 restitution fine, leaving in force the \$200 restitution fine originally imposed pursuant to section 1202.4, subdivision (b), and reducing to \$200 the additional restitution fine imposed and stayed pursuant to section 1202.45. As modified, the judgment is affirmed. The trial court shall enter an amended abstract of judgment reflecting the reduced restitution fines and forward a certified copy to the Dept of Corrections. Benke, J.; We Concur: McConnell, P.J., Irion, J.

D050510 4S Kelwood General Partnership v. Superior Court of San Diego County/Hanchett et al.
At the request of petitioner, the petition for writ of mandate is dismissed. The stay issued March 21, 2007 is vacated.

D049308 People v. Cleenput
The judgment is affirmed. McConnell, P. J.; We Concur: Haller, J., McDonald, J.

D049657 People v. Bradford
The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D049444 Berardi v. Superior Court of San Diego Count/The People
Let a peremptory writ of mandate issue directing the superior court to vacate its September 8, 2006 order denying the motion to dismiss the indictment and enter an order dismissing the indictment. The stay issued by this court on October 17, 2006, is vacated. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2007 (Continued)

D047868 Sycamore Ridge Apartments LLC v. Naumann et al.

The orders of the trial court granting the defendants' anti-SLAPP motions are reversed. Any subsequent orders awarding attorney fees and/or costs to the defendants as the prevailing parties on the anti-SLAPP motions are also reversed. Costs are awarded to appellant Sycamore Ridge. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

D049492 People v. William C.

The order is affirmed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D049961 In re Shanda H., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D048031 People v. Williams

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D046015 Kyung-Ja Su v. Plaza Del Sol

The judgment is reversed insofar as it denies Mrs. Su's request for attorney fees incurred in prosecuting her complaint against Plaza del Sol and the matter is remanded for further proceedings as to that request. In all other respects, the judgment is affirmed. Mrs. Su is entitled to recover her costs on appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

D049555 In re Dustin R., a Juvenile

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Nares, J.

D048795 In re H.R., a Juvenile

The petition for rehearing is denied.

D049602 People v. Montoya

D049635 In re Montoya on Habeas Corpus

The pending petition for writ of habeas corpus, In re Enrique Montoya, D049635, is consolidated with the pending appeal, People v. Enrique Montoya, D049602, for disposition.

D050338 Lee v. Superior Court of San Diego County/Tompkins

The petition is denied. The stay issued February 23, 2007 is vacated.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2007 (Continued)

D049892 Shelton v. Department of Corrections

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D050082 County of San Diego v. Gooden

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D049971 In re Stallsworth on Habeas Corpus

The petition is denied.

D050612 Hobbs v. Superior Court of Imperial County/People

The petition is denied.